



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: PD-1

April 26, 2010

TO: Each Supervisor

FROM: Gail Farber
Director of Public Works

A handwritten signature in black ink, appearing to read "Gail Farber", is written over the "FROM:" line.

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY BOARD MEETING OF MARCH 22, 2010

On March 22, 2010, my staff attended the regular Board meeting of the Alameda Corridor-East (ACE) Construction Authority. A copy of the March 22, 2010, agenda and adopted minutes of the February 22, 2010, regular Board meeting are attached. The following items were discussed at the meeting, which are of interest to the County of Los Angeles.

Agenda Item VI – The Chief Executive Officer (CEO) reported that ACE hosted a Congressional Appreciation Reception in Washington, D.C., on March 15, 2010, to thank members of Congress on the various committees that supported the ACE project.

Agenda Item VII – The Board approved staff's recommendation to:


Accept the construction contract with Ortiz Enterprises, Inc., for the East End Avenue and Reservoir Street Grade Separation projects as completed in conformance with the project plans and specifications, with a final contract amount of \$37,734,247.00.

Approve the final closeout of the construction contract with Ortiz Enterprises, Inc., and authorize the Contract Manager to release the Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period, if no claims or objections have been filed, upon concurrence of the CEO.

Each Supervisor
April 26, 2010
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Agenda Item VIII – The Board approved staff's recommendation to amend the Fiscal Year 2010 Task Order with Wagner Engineering & Survey, Inc., to provide for additional services necessary to close out the Nogales Street (L.A. Subdivision) and Brea Canyon Road Grade Separation projects, for an amount not to exceed \$38,000 for a new task order value not to exceed \$174,200.

The next Board meeting will be held on April 26, 2010, at 2 p.m., at the Irwindale City Hall Chambers.

 HF:pr
C100720

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Attach.

cc: Chief Executive Office (William T Fujioka, Lari Sheehan)
Executive Office



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY

BOARD OF DIRECTORS

REGULAR MEETING AGENDA

Monday, March 22, 2010 – 2:00 P.M.

Irwindale City Hall

5050 Irwindale Avenue

Irwindale, CA 91706

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

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|-------|---|--------------------|
| I. | Pledge of Allegiance | |
| II. | Roll Call and Introductions | |
| III. | Approval of Minutes of February 22, 2010 Board Meeting (Pages 1-3) | Action |
| IV. | Public Comment | |
| V. | Chairman's Remarks | |
| VI. | Chief Executive Officer's Report (Pages 4-7) | Information |
| VII. | Approval of Closeout of East End Ave/Reservoir St. Construction Contract and Project Acceptance (Pages 8-9) | Action |
| VIII. | Approval of Amendment to FY 2010 Task Order for Engineering Survey Services with Wagner Engineering (Page 10) | Action |
| IX. | Approval of Project Definition Report for the San Gabriel Trench Project (Pages 11-15) | Action |
| X. | Approval of Property Requirements for the San Gabriel Trench Project (Pages 16-20) | Action |
| XI. | State Transportation Legislation – ABX8 6 and ABX8 9 (Pages 21) | Information |
| XII. | Closed Session: The Board will adjourn to closed in accordance with Government Code Section 54956.8 to discuss real property negotiations: Property: 2882 Pomona Blvd. Pomona, CA 91768 | Possible
Action |

The ACE Construction Authority is constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member. Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes. All disclosable public records related to this meeting are available for viewing at the ACE office above during normal working hours.

Negotiating Parties: ACE Construction Authority Mark Mendoza/Paragon
Partners and Altec Industries, Inc.
Matters for Discussion: Price & Terms

and Government Code Section 54965.9(a) to discuss existing litigation:
Los Angeles Superior Court Case No. BS 1223376
Edward Rowland LLC and Golden Pacific Realty vs ACE Construction
Authority & Caltrans

Possible
Action

XIII. Adjournment

Action



Alameda Corridor-East Construction Authority

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ACE Construction Authority Board of Directors February 22, 2010 Meeting Minutes

1. Roll Call – Chairman Spohn called the meeting to order at 2:08PM at the City of Irwindale Council Chambers. In attendance were:

Tim Spohn, Industry
Tom King, SGVCOG
David Gutierrez, San Gabriel
Patricia Wallach, El Monte
Michael Antonovich, County of Los Angeles
Steven Atchley, Pomona

Staff

Rick Richmond, Chief Executive Officer
Joe Silvey, Counsel
Deanna Stanley
Victoria Butler

Guests

Alan Ude, LA County Public Works
Jeanne Harvin, Jacobs Engineering
Bryce Little, PB Americas
Gary Neely, Senator Bob Huff
Polly Ann Walton, Athalye Consulting

2. **Pledge of Allegiance** – Member Gutierrez led the pledge of allegiance.
3. **Approval of January 25, 2010** – A motion was made to approve the minutes of January 25, 2010. M/S/C/Gutierrez/King /Unanimous
4. **Public Comments** – There were no public comments.
5. **Chair Report** – Chairman Spohn reported ACE hosted an Asian American community press conference on January 29th. He reported the event was successful in attracting significant media interest. He also reported ACE was busy making arrangements for the San Gabriel Valley Congressional appreciation reception March 15th co-hosted with the Economic Partnership, Foothill Transit and the SGVCOG.
6. **Chief Executive Officer's Report** – Mr. Richmond reported the Authority sought \$33M from the Transportation Investment Generating Economic Recovery (TIGER) discretionary grant program for the Baldwin Avenue grade separation.

He indicated the project was included in a recommendation from the four counties, however was not approved. He reported that overall California did not fare well in the program as there were only two projects statewide approved, a crossing in Colton and a project in the Bay area. He also reported that the USDOT was having a series of outreach meetings regarding the surface reauthorization and a meeting was held at the MTA on Friday. The first half was a town hall discussion. The second half was a panel discussion and Mr. Richmond was a panelist on goods movement. Victoria Butler reviewed construction project progress photos of the Sunset Avenue grade separation project.

7. **Approval of Contract Amendment with Demetriou, Del Guercio, Springer & Francis** - Mr. Richmond reviewed the history of the relationship with Demetriou, Del Guercio. He indicated in June 2009 the Board approved an assignment related to the Temple Avenue 4th Track Project with Altec Industries. ACE was uncertain at that time if the matter would reach a settlement. The matter has gone into condemnation and it is estimated the total budget to settle this matter would be approximately \$142,000, an amount which exceeds their approved budget. He indicated an additional \$71,000 was necessary to fully fund this assignment.

A motion was made to authorize the Chief Executive Officer to execute an amendment to the legal services agreement with Demetriou, Del Guercio, Springer & Francis for the amount not to exceed \$71,000 for a total contract value of \$944,000.

M/S/C/Gutierrez/King/Unanimous

8. **Approval of Emergency Contract with Miller Demolition for Demolition at Baldwin Avenue Grade Separation Project** – Mr. Richmond explained the emergency procurement procedures allow a procurement if the procurement is essential to an Authority requirement to deal with an emergency situation. He indicated the property purchased at 10021 Bessie Ave was acquired under condemnation, necessary for the Baldwin Avenue grade separation project. He indicated despite payment to the former owner, a court order to vacate and various deadlines the owner refused to vacate the premises. On February 5 the eviction process occurred, though the house appeared unoccupied at that time. On February 12 the former owner was discovered in the house threatening to jump from a second story window. The El Monte police responded and the

former owner was taken into custody and property secured. Under those circumstances ACE staff determined the property could be a safety issue if left standing. Under the existing contract for on-call demolition services staff has issued a task order to Miller Environmental Inc. to demolish the property in an amount not to exceed \$76,505.

9. **Closed Session** – Counsel reported the Board would adjourn to closed session in accordance with Government Code Section 54965.9(a) to discuss existing litigation: Los Angeles Superior Court Case No. BS 1223376 Edward Rowland LLC and Golden Pacific Realty vs. ACE Construction Authority and Caltrans. The Board returned to open session and counsel announced there was no action taken by the Board.

10. **Adjournment** –The meeting was adjourned at 3:05PM



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MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: March 22, 2010

SUBJECT: CEO Report

The following are items of note since the last meeting:

Construction Management Services - At the February meeting, we reported that a Request for Proposals for Construction Management Services for grade separation projects had been issued. Four responsive proposals were received and proposal evaluation has begun. A recommendation for selection is anticipated at the April board meeting. The responsive proposals were received by:

- Caltrop
- Jacobs Engineering
- URS
- Parsons Brinckerhoff

Community Outreach Update – Staff has conducted the following project outreach activities:

- Provided staff assistance for the public outreach meeting for the Baldwin Avenue grade separation project;
- Assisted with project tours of the Sunset Avenue construction site for representatives of the Los Angeles County Department of Public Works and for two groups of geotechnical engineering students from California State Polytechnic University, Pomona;
- Conducted ongoing business support program, community outreach and construction coordination activities for the Sunset Ave. grade separation and Temple Ave. projects.

Contracting – Our Administrative Code delegates to the CEO the authority to approve new contracts or change orders for Board-approved contracts within certain limits, with a requirement that I report to the Board any such contract action. In addition to the changes identified in the monthly construction reports, the following changes have occurred:

<u>Consultant/Vendor</u>	<u>Reason for Change</u>	<u>Change Amount</u>	<u>Total Contract Value</u>
SEMA Construction, Inc.	Change notices addressing extra work on Temple 4 th Track project associated with the construction of the Spur Track Bridge, relocation	\$70,408	\$12,488,824

of a propane tank away from the spur track, and compensation for unforeseen buried objects.

SEMA Construction, Inc.	Change notices associated with extra work on Temple 4 th Track project on adjacent <i>properties that impacted the construction</i> site, changes to the elevation of column footings at SR-58; compensation to the contractor for delay to the construction of flood control channel walls and acceleration of the work in order to be complete prior to the start of the rainy season.	\$133,101.49	\$12,612,925
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